

respective county courts during their sitting, if returned to any county court, after the return thereof, before any such judgment shall be entered up; and if it shall appear to the justices of the court to which any such award shall be returned, within the respective times aforesaid, that the same was obtained by fraud or malepractice, in or by surprise, imposition, or deception of the arbitrators, or without due notice to the parties, or their attorney or attornies, it shall and may be lawful for the said court to set aside such award, and refuse to give judgment thereon.

C H A P.
100.

X. **Provided always, and be it enacted,** That if any cause which hath been referred, or which shall hereafter be referred, by virtue of this act, either of the parties, or any of the arbitrators to whom the same is or shall be referred, hath died, or shall happen to die before any award was or shall be made, or if the arbitrators, or any of them, have refused or shall refuse to act, or if after an award made the same hath been or shall be set aside, that then all that space of time from the impetration of the original writ in such cause, until the death of the party or arbitrator, or refusal to act, or setting aside such award, shall not run, be had, reckoned or estimated, as part of the time limited for the bringing or prosecuting such suit, and that this act shall and may be taken advantage of, in bar of the act of limitation, without any special replication, any thing to the contrary hereof notwithstanding.

Proviso.

XI. **And be it further enacted,** That if any *habeas corpus* shall be hereafter issued by any defendant out of the general court, to remove any cause depending in any county court within this state, if upon the return of any such writ, and the record certified into the said general court, it shall appear to the judges of the same court, that the original debt or damages do not exceed twenty pounds sterling, thirty-three pounds six shillings and eight-pence current money, or two thousand pounds of tobacco, or where the action shall be brought upon a bond or other specialty for the payment of money or tobacco, or payment or performance of any bill of exchange protested, it shall appear to the said judges, that the principal sum mentioned in such specialty or condition thereof, or due on such bill of exchange protested, doth not exceed twenty pounds sterling, thirty-three pounds six shillings and eight-pence currency, or two thousand pounds of tobacco, the said judges of the general court, upon the prayer of the plaintiff, in such case shall award a *procedendo* on such writ of *habeas corpus*, any law, usage or custom, to the contrary notwithstanding.

On habeas corpus issued out of general court, &c. judges may award *procedendo*, &c.

XII. **And be it further enacted,** That in all cases whatsoever, where judgments have been entered agreeable to awards heretofore made, the same shall be deemed and taken to be good and valid, and as effectual in law, to all intents and purposes, as if the same judgment had been rendered upon verdict or confession.

Judgments in awards good and valid, &c.

XIII. **Provided always,** That nothing in this act contained shall extend or be construed to extend, to establish, or in any manner affect, any judgment that hath been entered, on which any writ of error or appeal hath been presented, or is now depending, but that such judgment shall be considered in all respects as if this act had not been made, or be construed to affect any person or persons that hath or have purchased any lands, tenements or hereditaments, *bonâ fide*, and on good and valuable consideration, but that such purchaser or purchasers shall be and remain in the same state, right and condition, as if this act had not passed.

Proviso.

XIV. **And,** whereas inconveniencies have arisen to suitors, where the judges and justices of the several courts of law in this state have been divided in opinion: **Be it enacted and declared,** That in all actions in any of the courts of common law of this state, wherein the said judges or justices shall be divided in opinion, any person affected by such division, in any of the said courts, in any action whatsoever, shall and may be entitled to and have his bill of exception, in the same manner as if the opinion of the court had been given against him, and as such person would be by law entitled to in other cases.

Where judges are divided in opinion, a bill of exception may be taken, &c.